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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

New York, N.Y.

4 v.

19 Cr. 338 (GHW)

5 MOAZU KROMAH,  
6 AMARA CHERIF,

7 Defendants.

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Teleconference

8 December 11, 2020  
9 12:00 p.m.

10 Before:

11 HON. GREGORY H. WOODS,

12 District Judge

13 APPEARANCES

14 AUDREY STRAUSS

15 Acting United States Attorney for  
the Southern District of New York

16 BY: JARROD L. SCHAEFFER

Assistant United States Attorney

17 JEFFREY CHABROWE

18 Attorney for Defendant Kromah

19 GUY OKSENHENDLER

20 Attorney for Defendant Cherif

21  
22 Also Present:

23 PA DRAMMEH, Mandingo Interpreter  
24  
25

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1 THE COURT: This is Judge Woods. Do I have a court  
2 reporter on the line?

3 THE COURT REPORTER: Good afternoon, your Honor.  
4 Kristen Carannante.

5 THE COURT: Good. Thank you very much.

6 Do I have counsel for the United States on the line?

7 MR. SCHAEFFER: Yes, your Honor. AUSA Jarrod  
8 Schaeffer for the government.

9 (Foreign language spoken)

10 THE COURT: And do I have counsel for --

11 (Foreign language spoken)

12 THE COURT: Do I have counsel for, first, defendant  
13 Kromah on the line?

14 A VOICE: Hello?

15 MR. OKSENHENDLER: Yes, your Honor.

16 A VOICE: Hold on. Hold on.

17 MR. OKSENHENDLER: Good afternoon.

18 A VOICE: Hi. Good afternoon.

19 MR. OKSENHENDLER: Your Honor, this is Guy  
20 Oksenhendler for Mr. -- oh, excuse me, not for Mr. Kromah,  
21 Mr. Cherif.

22 THE COURT: Thank you. That's fine.

23 And do I have counsel for Mr. Kromah on the line?

24 (Foreign language spoken)

25 MR. CHABROWE: Yes. Good afternoon --

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1 (Foreign language spoken)

2 MR. CHABROWE: -- your Honor. Jeffrey Chabrowe for  
3 Mr. Kromah.

4 THE COURT: Okay. So I have all the lawyers on the  
5 line. Let's just take a few moments to talk about logistics.

6 We have an interpreter on the line, and I would just  
7 like to make sure that this will run smoothly, so I would just  
8 like to spend a few moments with some procedural discussion  
9 with the interpreter before we turn to discussion of the issues  
10 in the case.

11 I am doing this because, as I have been asking for  
12 appearances, I am hearing the interpreter speak in a foreign  
13 language to the defendants, and the interpreter's comments are  
14 overlapping with the things that I am saying and that counsel  
15 have said during the short period of today's conference.

16 My expectation is that we will be conducting this  
17 proceeding using simultaneous interpretation with the benefit  
18 of the interpreter. That obviously means that we can't do it  
19 if we have got a backdrop of continual simultaneous translation  
20 with the other language also playing in our ears at the same  
21 time. That just doesn't work. So what the interpreter is  
22 doing right now just doesn't work, and I want to fix it.

23 So I would like to address, first, the interpreter.  
24 Can I ask the interpreter to please identify yourself, please.

25 THE INTERPRETER: Yes. Good afternoon, your Honor.

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1 This is Mr. Drammeh.

2 THE COURT: Thank you. So what are you doing? What  
3 can we do to make sure that we can conduct this hearing with  
4 simultaneous translation without you talking over everything  
5 that I and the lawyers say?

6 THE INTERPRETER: Yes. I am using two different  
7 phones. I am using my cell phone for the defendants, and I'm  
8 using my land phone for the Courts. So my cell phone I can put  
9 that mute, but I cannot put my land phone mute.

10 THE COURT: Thank you.

11 So just a brief note. This happened last time you  
12 were on a conference with me, Mr. Interpreter.

13 THE INTERPRETER: Yes.

14 THE COURT: It was a problem then, too. So I am  
15 fundamentally disappointed that you have not done anything to  
16 improve your approach.

17 What can we do that will help? Because, with  
18 apologies, this will take a very long time and will be unclear  
19 if we have to hear you speaking over top of us, and it may be  
20 impossible for the court reporter to transcribe what is  
21 happening if you proceed in this way.

22 Do you understand that there is a court reporter who  
23 is --

24 THE INTERPRETER: Yes, your Honor. I understand.

25 THE COURT: Do you understand --

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1 THE INTERPRETER: All I can do --

2 THE COURT: Sorry, Mr. Interpreter? Do you  
3 understand --

4 THE INTERPRETER: Yes, your Honor.

5 THE COURT: -- that it is difficult for us to  
6 understand what's happening in English and for the court  
7 reporter to transcribe it if you are speaking over us in a  
8 foreign language while we are conducting the hearing?

9 THE INTERPRETER: Yes, I understand.

10 THE COURT: Thank you.

11 If that's a problem that you understand, what is your  
12 solution?

13 THE INTERPRETER: So what I could do, maybe, when the  
14 Court speaks, I will hold -- I will try to put the land phone  
15 on -- put my hand over the speaker. Then I will use my cell  
16 phone to translate that to the defendants.

17 MR. OKSENHENDLER: Judge, this is Mr. Oksenhendler.  
18 May I make a suggestion?

19 THE COURT: Yes, and I have another suggestion, but  
20 please go ahead, Mr. Oksenhendler.

21 MR. OKSENHENDLER: My suggestion would be that the  
22 interpreter call the Court back on his cell phone, which can be  
23 muted, and that he call the defendants on his landline.

24 THE COURT: Yes. That is exactly my proposal. It is  
25 very obvious, Mr. Interpreter, that that would be a preferable

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1 approach because, as I understand it, your technical issue is  
2 that you have a mute button on your cell phone --

3 THE INTERPRETER: Yes.

4 THE COURT: -- but you do not have a mute button on  
5 your landline.

6 THE INTERPRETER: Yes.

7 THE COURT: So it's not clear to me why, given your  
8 understanding of the issue, that you would choose to put the  
9 court conference onto the connection on which you do not have a  
10 mute button.

11 THE INTERPRETER: That's what I always advised to do.

12 THE COURT: Wait, wait, wait.

13 THE INTERPRETER: Yes.

14 THE COURT: Now, I deduce that you have not thought  
15 this through. There are solutions, for example, and solutions  
16 that would better be put in place without misusing the Court's  
17 time and the time --

18 THE INTERPRETER: Yes.

19 THE COURT: -- of the lawyers who are here.

20 An approach, to the extent that your technical issue  
21 is that you do not have the capacity to conference in multiple  
22 people on your home phone --

23 THE INTERPRETER: Yes.

24 THE COURT: -- would be for you to use a separate  
25 conference number, or bridge line, into which the defendants

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1 can call and then to which you can connect using your home  
2 phone number. I have begun understanding that you might not  
3 have done this in a very conscientious way to find such a  
4 bridge number and to see if we can put such a process in  
5 place.

6 Is that something that you think that we could do? Of  
7 course we have the barrier of needing to get the information to  
8 the facilities so that they can dial in to that bridge, but  
9 that is an option.

10 Assuming that your issue is that you do not have the  
11 technical capacity from your home line to dial into or to  
12 accept calls from multiple numbers. Is that the problem?

13 THE INTERPRETER: Yes. I can call the Court on my  
14 cell phone, because I can use mute button for that. But on the  
15 land phone, I don't have mute button for that. So what I could  
16 do now is to call the Court on my cell phone and try to call  
17 the defendants on my land phone to see if that would work.

18 THE COURT: Thank you. Can you call both of them on  
19 your land phone at the same time?

20 THE INTERPRETER: Yeah, I'll try that and see.

21 THE COURT: Let's do something else, too. Is my  
22 deputy, Ms. Joseph, on the line? Ms. Joseph, are you on the  
23 line?

24 THE DEPUTY CLERK: Yes, Judge. Yes, Judge. I'm on  
25 the line.

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1 THE COURT: Thank you.

2 Do you have the dial-in information for the bridge  
3 number that you have worked to arrange for in order to help  
4 solve for the problem that we are confronting here and, if so,  
5 can you provide it to the --

6 THE DEPUTY CLERK: Yes, I do.

7 THE COURT: -- interpreter and can we get it to the  
8 facility?

9 THE DEPUTY CLERK: Yes. I'm going to provide it. I'm  
10 going to send it to the e-mail address as we are speaking right  
11 now. So there is a dial-in number, which is 888-363-4749, and  
12 the access code is 7214978#, and the host number is 4589. So  
13 I'm going to send that e-mail out right now, and then --

14 THE COURT: Thank you.

15 THE DEPUTY CLERK: -- I'm going to send the e-mail as  
16 well to the facility so that way they can dial in to that  
17 number.

18 THE COURT: Good. Thank you. And can you reach out  
19 to the facility so that they know to dial in to that number?

20 THE DEPUTY CLERK: Yes, I can.

21 THE COURT: Thank you.

22 I don't think that anyone other than you, probably,  
23 Ms. Joseph, needs the host line, but you should dial in and  
24 start that conference, if you would.

25 Let me just ask the interpreter --



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1 THE INTERPRETER: Yes.

2 THE COURT: -- would you inform each of the defendants  
3 that they are going to need to disconnect and to dial in to the  
4 number that was just provided by Ms. Joseph. She is going to  
5 reach out to each of the facilities with that number, but they  
6 may need to advise someone who is physically there that they  
7 should be doing that. Can you let them know that and can you  
8 also --

9 THE INTERPRETER: Yes, your Honor.

10 THE COURT: Thank you.

11 -- and can you also confirm, Mr. Interpreter, that you  
12 have received the e-mail with the conference information.

13 THE INTERPRETER: Okay. Let me inform that. Hold on.

14 Hello? Hello? Hello? Hello? Hello? Hello? Hello?  
15 Hello? Hello? Hello? Hello?

16 Hello, Your Honor? I think they hang up already. I'm  
17 saying "hello," but nobody seems to answer from the defendants'  
18 side.

19 THE COURT: Good. Thank you very much.

20 So why don't you dial in to this number using your  
21 cell phone. Why don't you reach out, so that you can be in  
22 contact with the rest of us, and then if you can try to reach  
23 out to the defendants using the bridge using any means  
24 necessary, but we will also reach out to the facilities and ask  
25 them to connect to the bridge.

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1 I'm going to place the parties on mute as we are  
2 waiting for this to sort itself out.

3 THE INTERPRETER: Okay.

4 THE COURT: To be very clear, this is a bad use of my  
5 time and everybody else's time. It is a logistical step that  
6 should not happen during the scheduled conference, but should  
7 happen before it. So I hope that this will be something that  
8 we can improve on in the future. I am placing the phone on  
9 hold. I will be waiting for everybody to reconvene. Thank  
10 you.

11 THE INTERPRETER: All right. Thanks.

12 (Pause)

13 THE INTERPRETER: Hello? Hello? Hello? Hang up. We  
14 have to call you with a different number now. (Foreign language  
15 spoken). Yeah.

16 THE COURT: Just to be clear, they are going to need  
17 to call you using the conference bridge, so that they will be  
18 dialing in to a conference number. We won't be calling them.  
19 They will be calling into the conference number that Ms. Joseph  
20 provided.

21 Again, I'm going to place you on hold and on mute.

22 (Pause)

23 THE INTERPRETER: Hello? Hello?

24 (Pause)

25 THE INTERPRETER: I am holding on for the Court,

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1 because they say the host is not in yet. Yeah. I just add the  
2 number that they send me by text, 888-363-4749. The access  
3 code text they send me, and said the access number is 7214978.  
4 Okay. The one is 557? Yeah, that's what they send me, but  
5 they just text me this number now. Okay. Let me try that now  
6 again.

7 (Pause)

8 A VOICE: I'm calling from MCC New York. We seem to  
9 be having a problem with the interpreter connecting the phone  
10 call to you guys.

11 (Pause)

12 MR. OKSENHENDLER: MCC?

13 A VOICE: Yes.

14 MR. OKSENHENDLER: This is one of the attorneys on the  
15 call. What the judge is trying to effectuate is for the  
16 facilities to have a separate dial-in to the interpreter. Have  
17 you received that information yet?

18 A VOICE: I just spoke with the interpreter, and he  
19 said something similar to that. So would you like me to call  
20 the interpreter back?

21 THE INTERPRETER: Yeah, I'm on, I'm on.

22 A VOICE: Okay. So I will hang up and call the  
23 interpreter back. Thank you.

24 THE INTERPRETER: Yeah. I am the interpreter.

25 (Music plays)

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1 THE INTERPRETER: Hello? Hello? Yes. Can you hear  
2 me?

3 THE DEPUTY CLERK: I can hear you.

4 THE INTERPRETER: Yes, counsel. I called before.  
5 Yes. I'm hearing music.

6 (Music plays)

7 THE INTERPRETER: Hello? Hello?

8 THE COURT: So this is Judge Woods. So I don't know  
9 what was just happening, whoever was dialing in from --

10 THE INTERPRETER: Yeah, dialing (unintelligible echo).

11 THE COURT: Thank you.

12 So let me just confirm with the interpreter,  
13 Mr. Interpreter, do you have each of the defendants on the  
14 other line at this point?

15 THE INTERPRETER: Yes, I did (unintelligible echo).

16 THE COURT REPORTER: I'm sorry, Judge. This is the  
17 court reporter. I didn't understand that.

18 THE COURT: Yes, neither did I.

19 There is a lot of reverb on the line, so let me ask  
20 everybody to please keep your phones on mute unless you are  
21 speaking to the Court, so please keep your phones on mute  
22 unless you are addressing the Court.

23 Let me ask if I can, Mr. Interpreter, would you repeat  
24 what you just said?

25 THE INTERPRETER: I said (unintelligible).

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1 THE COURT: Thank you.

2 Can I ask, Mr. Interpreter, if you would repeat that?  
3 Are you connected to this call using more than one phone at  
4 this point?

5 THE INTERPRETER: No. I am using my telephone for the  
6 call. I am using my telephone for the call.

7 THE COURT: Thank you. So we are getting a  
8 substantial amount of reverb from your line that appears to  
9 be -- the reverb is coming from two separate lines. One is the  
10 number that ends in 8013. The other is from the number that  
11 ends in 4937. One of those numbers is the interpreter's. One  
12 of them is someone else's. Mr. Interpreter, are you dealing in  
13 from 8013?

14 THE INTERPRETER: Yeah. That's the cell phone I'm  
15 using now for the Court. The other one ends in 4937. That's  
16 the landline. I'm not using that right now.

17 THE COURT: Thank you. So you are not using the 4937  
18 line right now?

19 THE INTERPRETER: No.

20 THE COURT: Thank you. And yet it is still connected  
21 to this conference. So, Mr. Interpreter, understanding the  
22 problem that we are trying to solve, do you think that it makes  
23 sense for you to have your landline connected to the main  
24 conference number?

25 THE INTERPRETER: No. That's off now, your Honor.

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1 THE COURT: Yes. Now it is. That's because you just  
2 disconnected it. But until just now it was on.

3 THE INTERPRETER: Yes.

4 THE COURT: That's why we heard a reverb --

5 THE INTERPRETER: Yes, sorry.

6 THE COURT: -- and that is almost certainly why we  
7 were --

8 THE INTERPRETER: Now it --

9 THE COURT: Mr. Interpreter, that is also almost  
10 certainly why we were hearing absurdist jazz music instead of  
11 conducting a criminal proceeding.

12 So I would ask that you please be mindful of  
13 everyone's time here. We just used a half an hour of my time,  
14 two lawyers' time, the court reporter's time, and other staff  
15 members of mine, in order to resolve what is a very  
16 straightforward issue. That is a bad use of our time. I am  
17 not content.

18 So let's see if we can start with the baseline issue.

19 Mr. Interpreter, do you now have each of the  
20 defendants on the line so that you can provide the simultaneous  
21 interpretation services for which you have been retained?

22 THE INTERPRETER: No. They didn't call the land phone  
23 number. I am only using the cell phone for the Court. I tried  
24 to give them the number, but nobody answered anything. So they  
25 couldn't call me on the land phone yet.

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1 THE COURT: Thank you.

2 So when you say they haven't called you on the land  
3 phone yet, can I ask what you are referring to?

4 THE INTERPRETER: The line ending 4937.

5 THE COURT: Thank you.

6 THE INTERPRETER: That's the one I'm --

7 THE COURT: So.

8 THE INTERPRETER: -- supposed to be using for the  
9 defendants.

10 THE COURT: Yes.

11 THE INTERPRETER: That's why I can use the cell phone  
12 for the Court, because I can put that on mute and translate.

13 THE COURT: Yes. That's right. Very good. I'm happy  
14 that you appreciate that part of the plan.

15 Let me ask if we have a mutual understanding of the  
16 other part of the plan. In that plan, each of the prisoners  
17 would call in to the conference line that Ms. Joseph gave you  
18 earlier. Do you remember hearing that?

19 THE INTERPRETER: Your Honor, that is 888 --

20 A VOICE: Hey, hello. This is MCC legal department,  
21 Mr. Peake speaking. We tried to contact you guys through the  
22 other line that was provided, the 888-363-4749, and no one is  
23 picking up on that line. We are trying to make this call  
24 happen. Could you guys please advise me on what's the next  
25 step?

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1 THE COURT: Yes. This is Judge Woods.

2 The prisoners should dial in to the conference call  
3 line that was provided to you by Ms. Joseph. It is not an  
4 individual phone number. It is a conference call line.

5 A VOICE: And that number is the 888-363-4749.

6 THE COURT: I do not know. Counsel or Ms. Joseph, do  
7 you know?

8 THE INTERPRETER: I have 888-557-8511.

9 A VOICE: That's the number I just dialed to get into  
10 this room. Do you want Mr. Kromah to dial this number and get  
11 into -- and then you guys can speak to him from here?

12 THE COURT: No. We don't.

13 A VOICE: Okay.

14 THE COURT: Ms. Joseph, are you there? Ms. Joseph,  
15 are you there?

16 THE INTERPRETER: Yeah, I'm here.

17 (Court and court reporter confer)

18 (Record read)

19 A VOICE: So we will dial in and we will stand by,  
20 sir.

21 THE COURT: Thank you.

22 A VOICE: Okay. Thank you.

23 THE INTERPRETER: Do you have my land phone number for  
24 the defendants --

25 THE COURT: No. No. Mr. Interpreter, can I just help



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1 you understand this?

2 THE INTERPRETER: Yes.

3 THE COURT: So just a couple of things.

4 First, they have apparently been trying to call you on  
5 your land phone. There is a reason why they have not been able  
6 to answer -- nobody has answered at that number. That was  
7 because, until very recently, you had that line still connected  
8 to this conference. So unless you have multiple lines that  
9 would ring, there would be no way for your phone to ring  
10 because it is connected to this call. Does that make sense to  
11 you?

12 THE INTERPRETER: Okay. Yes.

13 THE COURT: Thank you.

14 Do you understand the second issue here, which is that  
15 (a) in addition to the fact I just said, namely, that people  
16 cannot call you on your phone number when your phone number is  
17 connected to a different line, I also want to point out to you  
18 point B. Point B is that the strategy that we just implemented  
19 was to have each of the prisoners dial in to a conference  
20 number.

21 THE INTERPRETER: Yes.

22 THE COURT: Right?

23 THE INTERPRETER: Yes.

24 THE COURT: So they are dialing in to a conference  
25 number. That is our goal. And then --

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1 THE INTERPRETER: Yes.

2 THE COURT: -- how will you get into that conference  
3 number? The answer is that you will call that number using  
4 your landline.

5 THE INTERPRETER: Okay.

6 THE COURT: Under this structure, no one calls your  
7 landline because the problem was --

8 THE INTERPRETER: Okay, your Honor.

9 THE COURT: -- your landline could not accept two  
10 calls. It is --

11 THE INTERPRETER: Yes.

12 THE COURT: -- the reason why we came up with this to  
13 solve your problem, was so that you could connect two people to  
14 your landline.

15 THE INTERPRETER: Okay.

16 THE COURT: They cannot call you, so you must call --

17 THE INTERPRETER: Okay.

18 THE COURT: -- the other conference number. Is that  
19 clear?

20 THE INTERPRETER: Okay. Yes, your Honor.

21 THE COURT: Do you understand? Did you receive the  
22 e-mail from Ms. Joseph with the conference number?

23 THE INTERPRETER: Yes, I did.

24 THE COURT: Thank you.

25 THE INTERPRETER: Yes.

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1 THE COURT: So can we please work to implement that,  
2 if you would, please. That would be a good thing for us to do  
3 to try to get this work done. Thank you.

4 THE INTERPRETER: Okay. I'll call now. Thank you,  
5 your Honor.

6 MR. OKSENHENDLER: Judge, this is Mr. Oksenhendler. I  
7 think there is one last part of this. When the interpreter  
8 enters the room, does he enter the host number or as a  
9 participant?

10 THE COURT: Thank you. I asked Ms. Joseph to dial in  
11 as the host. She has not responded. But I am hoping that she  
12 is dialing in as the host and so that he would be dialing in as  
13 a participant.

14 MR. OKSENHENDLER: Okay. So, Mr. Interpreter, please  
15 dial in as the participant once you enter the number and  
16 then --

17 THE DEPUTY CLERK: I am on the phone as the host.

18 MR. OKSENHENDLER: -- hit pound.

19 And, Judge, I don't mean to interrupt. I'm just  
20 trying to help.

21 THE COURT: No. This is apparently a process that  
22 requires a lot of minds working on it, so I appreciate the  
23 help.

24 (Foreign language spoken)

25 THE DEPUTY CLERK: Judge? Judge?

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1 THE COURT: Yes.

2 THE DEPUTY CLERK: Judge Woods? Hello?

3 THE COURT: Yes.

4 THE INTERPRETER: Hello? Hello?

5 THE COURT: Yes. This is Judge Woods. Are we ready  
6 to proceed? Counsel, are we ready to proceed?

7 Mr. Interpreter, can you hear me?

8 THE INTERPRETER: Yes, your Honor. I can hear you.

9 THE COURT: Good. Thank you. Are we ready to  
10 proceed?

11 MR. SCHAEFFER: The government is ready, your Honor.

12 THE COURT: Good. Thank you.

13 Are both defendants on the line, Mr. Interpreter?

14 THE INTERPRETER: Yes. They are both on line now.  
15 One of the defendants want to speak to his lawyer first.

16 THE COURT: Let's see.

17 THE INTERPRETER: Mr. Cherif said he wants to speak to  
18 his lawyer first.

19 THE COURT: Thank you. Let me see if there is  
20 anything that I can do. So I think that what I can do is, I  
21 think that I have the capacity to put you, Mr. Interpreter,  
22 into a conference line with counsel. I do not have the  
23 capacity to -- I think I have the technical capacity to do  
24 that. I do not, however, have the technical capacity to hide  
25 you off from the other defendant, so I don't have a way to

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1 allow the defendant to have a private conversation with you  
2 translating without the other defendant hearing what is said.  
3 So, in sum, while I can put you on the line with a defendant's  
4 counsel, I do not have a way to ensure that the other defendant  
5 does not hear what is said.

6 So let me begin the proceeding and I will invite  
7 counsel to let me know if there is anything that you would like  
8 for me to do in order to make sure that you have the  
9 opportunity to speak with your clients further.

10 So at the outset, let me just briefly inquire further  
11 of the interpreter, Mr. Interpreter, I would just like to ask  
12 you the following:

13 Do you solemnly swear to interpret these proceedings  
14 truly, fairly, and impartially to the best of your ability, so  
15 help you God.

16 THE INTERPRETER: Yes, your Honor.

17 THE COURT: Thank you. So let's proceed.

18 At the outset, let me note that this is a public  
19 proceeding. Each of you should be aware that any member of the  
20 public or press is welcome to join the conference at any time.  
21 I ask you simply to be mindful of that.

22 The second thing that I want to do is to remind each  
23 of you to please keep your phones on mute at all times. They  
24 should remain on mute except when you are addressing the Court.  
25 I ask that each of you please state your name each time that

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1 you speak during this conference. It is important that you do  
2 that so that the court reporter can hear who it is that is  
3 speaking and can accurately transcribe that fact. If she asks  
4 you to do something that will make it easier for her to do her  
5 job, please do it to the extent that you can.

6 I am also ordering that there be no recording or  
7 rebroadcast of all or any portion of this conference.

8 So we are beginning this proceeding about 40 minutes  
9 late because of some technical issues not worked out in advance  
10 by our interpreter.

11 This is a proceeding -- a status conference with  
12 respect to criminal proceedings against Mr. Cherif and  
13 Mr. Kromah. I would like to say a few brief words about the  
14 context in which we are conducting this proceeding. I am  
15 conducting this proceeding by telephone, I am doing that  
16 because we are in the midst of the COVID-19 pandemic, and I am  
17 conducting this proceeding pursuant to the authority provided  
18 by Section 15002 of the CARES Act and the standing orders  
19 issued by our chief judge pursuant to that act.

20 Counsel are appearing before me by telephone. Each of  
21 the defendants are here and are participating by telephone. I  
22 have heard from each of the lawyers here, but let me just  
23 briefly --

24 A VOICE: Hello?

25 THE COURT: -- confirm with each of the defendants

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1 that each of you can hear me.

2 First, Mr. Kromah can you hear me?

3 (Foreign language spoken)

4 THE INTERPRETER: No. He said he is not hearing you,  
5 your Honor.

6 THE COURT: Thank you.

7 So can I just ask, Mr. Interpreter, are you  
8 interpreting simultaneously? Because I just heard you speaking  
9 my last, I will call it, two sentences worth of information  
10 where I inquired of something from Mr. Kromah.

11 THE INTERPRETER: I am, your Honor.

12 THE COURT: Okay. Because up until that point I had  
13 not heard what you were saying, but then I heard you out loud.  
14 You should in fact be keeping your translation on mute at all  
15 times --

16 THE INTERPRETER: Yes.

17 THE COURT: -- and then I would expect to hear you  
18 when you provide the English interpretation of the things that  
19 are stated by each of the defendants. That is the only time  
20 that I expect to --

21 (Foreign language spoken)

22 THE COURT: -- hear you on the conference.

23 (Foreign language spoken)

24 THE COURT: We have just spent a substantial amount of  
25 time working that through.

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1 (Foreign language spoken)

2 THE COURT: So, Mr. Interpreter, again, I can hear  
3 what you are saying. Mr. Interpreter, this is a question for  
4 you. Do you appreciate what it is that I am asking of you?  
5 Namely, that you take advantage of the work that we have just  
6 done to keep your phone on mute except when you are voicing the  
7 responses of the defendants and any comments they wish to make  
8 verbatim based on your translation?

9 Mr. Interpreter, do you understand that is my  
10 expectation?

11 THE INTERPRETER: Yeah, I put my cell phone mute, and  
12 I am translating to the defendants, so you won't hear it.

13 THE COURT: Good. Thank you very much. You have not  
14 just been doing that so --

15 THE INTERPRETER: Yes, I --

16 THE COURT: -- please do it going forward.

17 THE INTERPRETER: -- do it now.

18 THE COURT: So, Mr. Kromah, have you been hearing the  
19 simultaneous interpretation of the things that I have been  
20 saying?

21 (Pause)

22 THE INTERPRETER: Yes. He said he hear me, but he  
23 couldn't hear the Judge speaking.

24 THE COURT: Thank you.

25 Mr. Cherif, have you been able to hear the



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1 simultaneous translation of the things that I am saying here?

2 THE INTERPRETER: Yes. He said he speak me -- he hear  
3 me speaking, but he couldn't hear the judge speaking.

4 THE COURT: Thank you. Good.

5 So let me just ask each of the defendants to please  
6 let me know if you have any difficulty understanding what's  
7 happening during the course of this proceeding.

8 Mr. Kromah, will you please let me know if you have  
9 any difficulty understanding what's happening here?

10 THE DEFENDANT: Yes, I can hear the interpreter.  
11 Anything, I let him know.

12 THE COURT: Thank you.

13 Mr. Cherif, will you please let me know if you have  
14 any difficulty understanding anything that happens here today?

15 THE DEFENDANT: Yes. I am here. Yes. I let you  
16 know.

17 THE COURT: Thank you.

18 Now, we are conducting these proceedings by telephone  
19 due to the situation with COVID in the United States but, more  
20 importantly, in New York City and in particular the protocol  
21 that Chief Judge McMahon has put in place with respect to  
22 in-person proceedings. There is a strong inclination to  
23 conduct hearings by remote means where the defendants have  
24 agreed to do so.

25 (Foreign language spoken)

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1 THE COURT: Mr. Interpreter, would you place your  
2 phone on mute? Thank you.

3 I make that finding because, while there is some  
4 limited videoconferencing capability in the prison facilities,  
5 that capacity is very limited. I have requested  
6 videoconferencing --

7 (Foreign language spoken)

8 THE COURT: -- for this conference.

9 Thank you. Mr. Interpreter, can I ask you to please  
10 place your phone on mute if you would, please?

11 Unfortunately, videoconferencing was not available for  
12 us to conduct this proceeding today. As a result, we are  
13 conducting it by telephone. I conclude that each of the  
14 defendants is able to participate in the proceeding by  
15 telephone. Each of them is connected, after much undue labor,  
16 to a conference call with the interpreter, who is translating  
17 for them. They both confirmed that they are able to hear and  
18 understand what is being interpreted to them through the  
19 interpreter. So I find that they are both able to participate  
20 in the proceeding by telephone.

21 Now, I have received a written waiver of right to be  
22 present at a criminal proceeding from each of the defendants.  
23 What I would like to do now is to confirm with each of the  
24 counsel for each of the defendants that each defendant was  
25 advised of his right to appear in this proceeding in person and

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1 that he understood those rights and that he voluntarily gave up  
2 those rights.

3 I am going to turn to --

4 (Foreign language spoken)

5 THE COURT: -- counsel for each of the defendants in  
6 turn.

7 (Foreign language spoken)

8 THE COURT: And if I can, again, Mr. Interpreter, ask  
9 you to please place your phone --

10 THE INTERPRETER: Huh?

11 THE COURT: -- on mute, it would be very helpful for  
12 us to conduct this proceeding in a more seamless way.

13 THE INTERPRETER: Okay.

14 THE COURT: Thank you.

15 So I would like to begin, if I can, with counsel for  
16 Mr. Cherif. I have received a copy of the form that has been  
17 completed by you on behalf of Mr. Cherif. Can I ask you to  
18 just please briefly describe how the document was provided to  
19 Mr. Cherif and the circumstances in which you discussed it with  
20 him.

21 Counsel for Mr. Cherif.

22 MR. OKSENHENDLER: Yes. This is --

23 (Foreign language spoken)

24 MR. OKSENHENDLER: Judge, I keep hearing the  
25 interpreter. This is Mr. Oksenhendler.

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1 THE COURT: Yes. Thank you.

2 Mr. Interpreter, if I can --

3 (Foreign language spoken)

4 THE COURT: Mr. Interpreter, if I can please ask that  
5 you keep the phone on mute. That would be very helpful.

6 Again, Mr. Interpreter, this is a comment directed at you. We  
7 just did a bunch of work to make it possible for you to mute  
8 the line so that you would not be speaking over the English  
9 portion of the proceedings in a foreign language. You  
10 understand the issues associated with that, as you have told  
11 us. Would you please keep your phone on mute except when you  
12 are voicing the response of the defendants to a question or  
13 vocalizing any concern or a statement that they wish to make to  
14 the Court or their counsel? So at all other times, I would ask  
15 that you please keep the line that is connected to this  
16 conference on mute.

17 Mr. Interpreter, can you do that for me? Can you  
18 please respond affirmatively or negatively if you are incapable  
19 of doing it?

20 (Pause)

21 THE COURT: Mr. Interpreter, will you please keep your  
22 phone own mute? Can I just ask you to briefly to respond?

23 (Pause)

24 THE COURT: And in this instance you should take your  
25 phone off the mute. Mr. Interpreter, are you there?

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1 Mr. Interpreter, are you there?

2 THE INTERPRETER: Yes, I'm here.

3 THE COURT: Good. Thank you. And could you --

4 THE INTERPRETER: I said -- Mr. Cherif said he would  
5 like to ask you --

6 THE COURT: Thank you. I'm sorry.

7 THE INTERPRETER: Mr. Cherif would like to ask you a  
8 question.

9 THE COURT: I'm sorry. Who would like to ask me a  
10 question?

11 THE INTERPRETER: Mr. Cherif. He said he want to tell  
12 you that whenever he call his lawyer, the lawyer never pick up  
13 the call.

14 THE COURT: Thank you. I do want to hear from him.  
15 Let me just say this to Mr. Cherif. Mr. Cherif, thank you very  
16 much. I will, in just a moment, turn to each of the defendants  
17 and ask, on behalf of the Court, if there is anything that you  
18 would like to raise. But if I can, I would just like to ask  
19 for your patience for just a few moments as we get through my  
20 agenda for this conference, and then I welcome any comments.  
21 But there are some procedural things that I would like to make  
22 sure that I have covered. But, Mr. Cherif, please rest assured  
23 that I will give you have the opportunity to raise an issue  
24 through counsel, if you wish, later in the conference, and I  
25 will make a note to come back --

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(Foreign language spoken)

THE COURT: -- to you on that, Mr. Cherif.

So just a brief comment to the interpreter -- thank you, just a brief comment to you, Mr. Interpreter. If you would please keep your phone on mute when you are providing your interpretation so that you can do two things: (1) so that you can provide simultaneous interpretation of what we are saying here today rather than alternatively potentially waiting for a pause and then downloading a large volume of information; and (2) so that you are not speaking over the rest of the proceedings, again remembering that the work that we did earlier in this conference was designed to permit us to proceed without you speaking over us. So I can again ask you to keep your phone on mute.

Let me turn back to counsel for Mr. Cherif, and I will come back and see if there is anything that I can do to help the defendants individually communicate with counsel or if there are any issues that you wish to bring to my attention through counsel.

But at this point, can you please describe to me how --

(Foreign language spoken)

THE COURT: -- it was that the document was provided to the defendant, Mr. Cherif, and the circumstances in which you discussed it with him?

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1 MR. OKSENHENDLER: Yes. Yes, your Honor. This is Guy  
2 Oksenhendler.

3 (Foreign language spoken)

4 MR. OKSENHENDLER: At his initial appearance, I had  
5 discussed with Mr. Cherif, through the court interpreter, the  
6 circumstances that the courts are now facing with COVID-19 and  
7 that many, if not all, of the upcoming appearance in the case  
8 would be done either by video or by telephone, and he at that  
9 point gave me a blanket consent for him to appear by video or  
10 by telephone. We filed documents. We filed the initial waiver  
11 of appearance and consent to proceed at his initial  
12 arraignment. And I spoke to him again, I believe, after the  
13 last court appearance again about this issue. So I was given  
14 permission by Mr. Cherif for him to proceed telephonically or  
15 by video.

16 I understand that he was trying to reach me. I had a  
17 spam filter on my phone which was blocking many of, I assume,  
18 calls from the Essex County Jail, which was recently removed  
19 when I was made aware that it was blocking the calls. So that  
20 will no longer be an issue.

21 THE COURT: Good. Thank you very much.

22 (Pause)

23 A VOICE: Hello? Hello?

24 THE COURT: Thank you very much. Good. Thank you  
25 very much, counsel.

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1           So let me just ask, counsel, I understand that you  
2           were not able to obtain the defendant's signature on the  
3           document. Can you tell me why not?

4           MR. OKSENHENDLER: It is my understanding, your Honor,  
5           that under the CARES Act that once I -- the defendant gives  
6           permission for the proceeding to occur telephonically, that the  
7           CARES Act gives the Court authorization to sign on the  
8           defendant's behalf.

9           THE COURT: Good. Thank you very much.

10          So let me turn to Mr. Cherif. I have a question for  
11          you, Mr. Cherif.

12          Mr. Cherif, I have a document with your attorney's  
13          signature that indicates that you are willing to give up your  
14          right to be present in the courtroom for this proceeding for  
15          purposes of conducting this proceeding and, indeed, that, as  
16          written, it waives your right to be here for purposes of this  
17          proceeding and for other subsequent similar proceedings. So,  
18          again, I have a document with your attorney's signature that  
19          indicates that you are willing to give up your right to be  
20          present in the courtroom for this proceeding and future  
21          conferences in this case until such time as the current  
22          emergency no longer impedes travel.

23          Do you have any objection, Mr. Cherif, to me signing  
24          your name as well to this document containing the waiver of  
25          your physical presence here? Mr. Cherif?



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1 (Pause)

2 MR. OKSENHENDLER: Judge, you may have to instruct the  
3 interpreter to take his phone off mute so that he can answer.

4 THE COURT: Thank you very much.

5 MR. OKSENHENDLER: This is Mr. Oksenhendler.

6 THE COURT: Thank you. I hope the interpreter will  
7 take his phone off of mute when he is responding.

8 THE DEPUTY CLERK: Judge, he is still translating. He  
9 is still translating.

10 (Pause)

11 A VOICE: Hello? Hello?

12 THE COURT: Yes. Mr. Cherif, how do you respond to my  
13 question?

14 (Pause)

15 THE COURT: Mr. Cherif?

16 THE INTERPRETER: Yeah, hold on.

17 THE COURT: Let me just take a brief pause. We are  
18 waiting for our interpreter to communicate with the defendant  
19 in this case. I just want to take a brief moment, because I  
20 have another proceeding that was scheduled to begin --

21 THE INTERPRETER: Hello?

22 THE COURT: Yes. Give us one moment, please,  
23 Mr. Interpreter.

24 I have another conference scheduled to begin at 1 p.m.  
25 Unfortunately this matter, which was scheduled to begin at

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1 noon, is in its infancy. So, counsel, to the extent that you  
2 have dialed in for this 1 p.m. conference, which I should have  
3 been ready for, with apologies, realistically, we are not going  
4 to be able to get to that in the very near future and certainly  
5 not with sufficient time to complete the work necessary in that  
6 matter because of an issue in this other proceeding. So if you  
7 have dialed in for the 1 p.m. conference or hearing with  
8 respect to In re: IsZo Capital LP, please stand by or I should  
9 say you should disconnect, and I will issue a separate order to  
10 try to adjourn that conference for later this afternoon. I  
11 will try to schedule it for around 3 p.m. Again, I apologize  
12 that we are not getting to it right now, but it is because of  
13 an issue that we just had with this conference. So again I  
14 apologize, but I will try to reschedule it for later this  
15 afternoon at either 3:00 or 3:30 p.m. You should look for an  
16 order that will be issued on ECF shortly. Again, I apologize.

17 So do we have a response from Mr. Cherif with respect  
18 to my prior question?

19 THE INTERPRETER: Yes, your Honor. Mr. Cherif is  
20 saying that he need somebody who speak Mandingo from Ivory  
21 Coast or Liberia.

22 THE COURT: Thank you.

23 Let me just ask, let me ask Mr. Cherif, Mr. Cherif,  
24 can you understand what the interpreter is saying to you here?

25 (Foreign language spoken)

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1 THE INTERPRETER: Your Honor, he saying he want to  
2 know what is the reason of this conference? What are you  
3 talking about concerning about this COVID-19?

4 THE COURT: I'm sorry. Could you restate what it is  
5 that he is interested in knowing about?

6 THE INTERPRETER: He said he want to know the reason  
7 of this conference and also what are you talking about  
8 concerning about the COVID-19.

9 THE COURT: Thank you. So I'm happy to respond to  
10 that question, but let me just follow up on the other comment,  
11 which I understand you told me that he said that he needs a  
12 Mandingo interpreter from the Ivory Coast.

13 THE INTERPRETER: Ivory Coast, yes.

14 THE COURT: And the question for Mr. Cherif is,  
15 Mr. Cherif, do you understand what the interpreter is saying to  
16 you here?

17 (Pause)

18 THE COURT: That's hopefully a yes/no question.  
19 Mr. Cherif, do you understand what the interpreter is saying to  
20 you here?

21 (Pause)

22 THE COURT: Mr. Cherif, do you understand what the  
23 interpreter is saying to you here?

24 (Pause)

25 THE COURT: Mr. Interpreter, are you there?

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1 THE INTERPRETER: I said that he said that he would  
2 like to complete this conference, but next time he would like  
3 to have somebody from Ivory Coast or from Guinea.

4 THE COURT: Thank you.

5 Does Mr. Cherif -- Mr. Cherif, do you understand what  
6 the interpreter is saying to you here? I understand that, for  
7 future conferences, you would like to have somebody from the  
8 Ivory Coast or Guinea who speaks Mandingo, but for purposes of  
9 this conference, I would like to confirm that you can  
10 understand what the interpreter is saying to you.

11 (Foreign language spoken)

12 THE DEFENDANT: Yes, I understand what he just said,  
13 but what I'm concerned about, he did mention to me a concern  
14 about this COVID-19. I don't understand that.

15 THE COURT: Thank you. Good. I'm happy to talk about  
16 that in a little more length now, if it's helpful for  
17 Mr. Cherif and hopefully Mr. Kromah.

18 So COVID-19 is a global issue, as each of the  
19 defendants knows. Usually criminal proceedings in United  
20 States Courts take place in person. So under normal  
21 circumstances, nearly all criminal proceedings, I should say  
22 nearly all criminal proceedings happen in person. So  
23 defendants would come to court and a conference such as this  
24 one would take place in the courtroom.

25 Because of COVID-19, the United States Congress passed

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1 and the president signed a statute that permits me to conduct  
2 proceedings by telephone, as here, in circumstances --

3 (Foreign language spoken)

4 THE COURT: So, again, Mr. Interpreter, if I can just  
5 beg that you keep the phone on mute if you would and also,  
6 again, ask that you continue to provide simultaneous  
7 translations.

8 So I am talking about COVID right now because the  
9 statutory power that I have to conduct this proceeding by  
10 remote means as a result of the COVID pandemic requires that I  
11 make certain findings. And so before we can get to the  
12 substance of today's conference, I have to address these issues  
13 that relate to my ability to conduct this proceeding by remote  
14 means, that is, by telephone, rather than conducting them in  
15 person in the courthouse. These are threshold issues. They  
16 don't have anything to do with the substance of the conference.  
17 But I cannot get to the substantive issues to be discussed  
18 here, which is, as I understand it, a status conference, which  
19 under ordinary circumstances would take about -- or I should  
20 say a short amount of time, but before I can get to the  
21 substance of this conference, I have to go through a number of  
22 issues that relate to my authority to conduct this proceeding  
23 by telephone because of COVID.

24 That is why I am talking about COVID now, not because  
25 it has anything to do with your case necessarily, but because

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1 it relates to the means by which we are conducting this  
2 proceeding, namely, by telephone rather than in person. So it  
3 is for that reason that I have asked about the waiver form that  
4 I have just asked your counsel about.

5 And I would like to ask you again, if I can, please,  
6 Mr. Cherif, the following: Mr. Cherif, I have a document with  
7 your attorney's signature that indicates that you are willing  
8 to give up your right to be present in the courtroom for this  
9 proceeding and future conferences as a result of the current  
10 emergency. Do you have any objection to me signing your name  
11 as well to this document, Mr. Cherif?

12 (Pause)

13 THE COURT: Thank you. Mr. Cherif are you there? Do  
14 you have any objections to me signing this document on your  
15 behalf as well?

16 THE DEPUTY CLERK: This is Wileen. He is still  
17 translating. They are going back and forth.

18 (Pause)

19 A VOICE: Hello? Hello?

20 THE COURT: Yes. Mr. Cherif, do you have any  
21 objections to me signing this document on your behalf, as  
22 well?

23 (Pause)

24 THE COURT: Mr. Cherif, are you there?

25 THE INTERPRETER: Can you hear me, your Honor?

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1 THE COURT: Yes.

2 THE INTERPRETER: He never respond to your question.  
3 He say that he want to know if this case is going to trial or  
4 not. I ask him your question. You ask him if you want the  
5 Judge to sign on your behalf or not, but he never respond to  
6 that.

7 THE COURT: Thank you. So let me -- so just a few  
8 more comments for you to interpret for Mr. Cherif.

9 Mr. Cherif, I would ask you to focus on my question,  
10 if you would, please. In order for us to get to the substance  
11 of this conference, I need to establish that I can conduct this  
12 conference by remote means. So if you would, please, listen to  
13 my question and respond to it, my hope is that at some point we  
14 will be able to turn to the substantive issues that we are  
15 going to discuss here.

16 Mr. Cherif, would you be willing to do that, please?

17 (Foreign language spoken)

18 A VOICE: Hello? Hello, your Honor?

19 THE COURT: Yes.

20 A VOICE: Hello?

21 THE INTERPRETER: Yeah. He saying he would like to  
22 talk to his lawyer first to ask questions.

23 THE COURT: Thank you.

24 So, counsel, it is 1:20 p.m. This conference was  
25 scheduled to begin at noon. We, frankly, misused about 40

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1 minutes of time because our interpreter was not prepared to do  
2 the job in a way that is appropriate for interpreting here,  
3 namely, he did not have the technological system in place that  
4 would allow him to interpret simultaneously without us hearing  
5 the comments that he is making to the defendants. We solved  
6 for that about 45 minutes in, but at this point we are having  
7 some difficulty going through what is usually a relatively  
8 straightforward colloquy regarding CARES Act and the underlying  
9 CARES Act requirements. That is because, in part, Mr. Cherif  
10 wants to speak with his counsel. I am happy to provide  
11 Mr. Cherif the opportunity to discuss with his counsel issues  
12 in this case if he wants to do that before we proceed. And I'm  
13 willing to adjourn today's proceeding so that we can go forward  
14 in a more effective way going forward.

15 I am, frankly, very saddened by the ineffective and  
16 inefficient use of the parties' time during this conference,  
17 which comes from clearly identifiable sources, but at this  
18 point I am hesitant to conclude that we should continue to  
19 struggle through this process. I fear that at the pace that we  
20 are going right now that we will not finish by 2 p.m.

21 So I want to hear from the parties what you think  
22 would be the most effective way to proceed. The parties know  
23 that there are constraints on the Court's ability to schedule  
24 conferences by remote means, as well as in-person proceedings,  
25 but I am happy to schedule us to reconvene, perhaps on -- with



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1 one defendant at a time, if that would be easier, for the  
2 earliest available date in the future, but I'm hesitant to  
3 continue, given that Mr. Cherif apparently is filibustering --

4 (Foreign language spoken)

5 THE COURT: So let me hear from the parties what your  
6 suggestions are. Let me hear first from --

7 (Foreign language spoken)

8 THE COURT: Let me hear first from counsel for  
9 Mr. Cherif --

10 (Foreign language spoken)

11 THE COURT: -- and again just a brief aside --

12 (Foreign language spoken)

13 THE COURT: Just as a brief aside to the interpreter,  
14 if you would, please, keep your line on mute, it would be  
15 helpful.

16 So let me hear first, if I can, from counsel for  
17 Mr. Cherif. What's your suggestion about how we should best  
18 proceed at this point? As I understand it, your client wants  
19 to talk with you further before we proceed and seems hesitant  
20 to go forward without having that opportunity first. I had  
21 hoped --

22 MR. OKSENHENDLER: Yes, your Honor.

23 THE COURT: -- we could do the basic work here and  
24 then turn to that, but I'm happy to do whatever the parties  
25 think is most efficient here.

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1 Counsel for Mr. Cherif?

2 MR. OKSENHENDLER: Yes, your Honor. This is Guy  
3 Oksenhendler for Mr. Cherif.

4 Perhaps adjourning this case to early January, in  
5 light of the Christmas vacation, it's my understanding that it  
6 takes about two weeks for the Court to schedule the  
7 teleconferences. That would put this past the Christmas  
8 holiday, where it might even be further frustrated. That would  
9 give me time to speak to him again and answer any questions  
10 that he has.

11 To make the Court aware, Mr. Schaeffer, after he and I  
12 had discussed the fact that discovery had not yet been received  
13 by Essex County on my client's behalf, through no fault of any  
14 of the parties, went to the extraordinary length of having a  
15 copy of the discovery about two weeks ago hand delivered to the  
16 facility to ensure its acceptance by the facility for the  
17 benefit of my client. I will do whatever is necessary, even if  
18 I have to go to the jail myself, and will forego trying to  
19 schedule a teleconference with him. I will reach out to the  
20 interpreter to make sure that he is available and within the  
21 next week, go see Mr. Cherif at the facility to allay any  
22 concerns that he has, although I have explained to him what has  
23 been ongoing in the case. But discovery should now be at the  
24 jail for him to begin reviewing, and we would consent to any  
25 exclusion of time until the Court sets an adjourned date for us

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1 to conference again. I think that might be the very best way  
2 to proceed.

3 THE COURT: Thank you.

4 Counsel for Mr. Kromah, what's your view?

5 MR. CHABROWE: Good afternoon. Yes. Jeff Chabrowe  
6 for Mr. Kromah.

7 Your Honor, I would agree that it would be fine to  
8 adjourn it to early January. I'm sorry that this has been  
9 difficult today.

10 There is just one issue that I wanted to bring to the  
11 Court's attention, if possible. Mr. Kromah has been e-mailing  
12 me from MCC that he has been having extreme pain in his --  
13 chest pains and pains in his lower back shooting to his groin.  
14 It's been very, very difficult for him to get medical attention  
15 at MCC. We have reached out to MCC and have really gotten no  
16 help whatsoever, and I just was hoping that perhaps the Court  
17 might able to somehow intervene in a way where Mr. Kromah could  
18 be seen by a doctor. He is in a lot of pain. I have been  
19 getting constant phone calls from his family who are very, very  
20 concerned, and we are just not -- it has been very difficult at  
21 MCC for a number of reasons, as we all know, and it has been  
22 very -- it's been -- he hasn't been getting the medical  
23 attention he needs, and I was hoping that perhaps the Court  
24 could intervene and order some certain medical attention for  
25 Mr. Kromah

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1 THE COURT: Good. Thank you. I will take that up.

2 Counsel for the United States, what's your view  
3 regarding appropriate steps at this point? Counsel for each of  
4 the defendants have consented to an adjournment. What's your  
5 view, counsel for the government?

6 MR. SCHAEFFER: This is Jarrod Schaeffer for the  
7 government, your Honor.

8 The government would be amenable to that as well,  
9 provided that --

10 (Court reporter and counsel confer)

11 MR. SCHAEFFER: This is Jarrod Schaeffer for the  
12 government.

13 The government would be amenable to an adjournment of  
14 this proceeding, provided that time was excluded under the  
15 Speedy Trial Act. The government has been in discussions  
16 regarding potential pretrial resolutions of this matter with  
17 counsel for both defendants, and so the additional time would  
18 assist with that and allow the parties to continue those  
19 discussions. Otherwise, the government will be available at  
20 the convenience of the Court and the parties for another  
21 proceeding in whatever form that takes.

22 THE COURT: Good. Thank you very much.

23 Let me ask about the appropriate timeline. I'm happy  
24 to grant that request and schedule something for shortly after  
25 the Christmas holidays.

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1 Counsel for the government, let me ask first for your  
2 view regarding approximately when would be the right time to do  
3 that. Should I be looking for dates in the beginning of  
4 January or the middle or the end? What's your view?

5 MR. SCHAEFFER: This is Jarrod Schaeffer for the  
6 government. The government has no preference. I think an  
7 adjournment of approximately 30 days would make sense, which  
8 would put us kind of between beginning and mid January. The  
9 only practical consideration that I would raise for the Court  
10 is to the extent that any of the parties are planning to travel  
11 for the holidays, either New Year's or Christmas or any of the  
12 other holidays falling in that time, it may make sense to do it  
13 either the second or third week of January.

14 THE COURT: Good. Thank you.

15 So I'm going to adjourn today's conference for another  
16 status conference which would take place on Monday, January 11,  
17 at or around 9 a.m. I think that that makes sense. It will  
18 give the parties time to review discovery and to look at these  
19 various discovery materials that have been described here.

20 Counsel for the United States, is there an application  
21 with respect to exclusion of time through that date?

22 MR. SCHAEFFER: Yes, your Honor. This is Jarrod  
23 Schaeffer for the government.

24 The government would ask to exclude time from today  
25 through January 11 in order to allow the continued review of

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1 discovery by defendants and their counsel and to allow time for  
2 additional discussions concerning a potential pretrial  
3 resolution of this matter.

4 THE COURT: Good. Thank you very much.

5 Counsel for Mr. Kromah, what's your view on that  
6 request?

7 MR. CHABROWE: No objection, your Honor.

8 THE COURT: Thank you.

9 Counsel for Mr. Cherif?

10 MR. OKSENHENDLER: Your Honor, this is Guy  
11 Oksenhendler for Mr. Cherif. We would have no objection.

12 THE COURT: Thank you.

13 I will exclude time from today until January 11, 2021.  
14 After balancing the factors specified in 18 United States Code  
15 § 3161(h)(7), I find that the ends of justice served by  
16 excluding such time outweigh the best interests of the public  
17 and the defendant, each of the defendants in a speedy trial,  
18 because it will allow time for production of discovery, review  
19 of those materials by each of the defendants, and also time for  
20 the parties to continue their discussions regarding a possible  
21 pretrial disposition of this case.

22 So I think that is all that I wanted to accomplish.

23 Whoever it is that is dialing in from 8869, your phone  
24 is not on mute. Thank you.

25 Let me just ask the government counsel, would you

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1 please comment on the issues that Mr. Kromah appears to be  
2 facing? Is there anything that you can do that can help ensure  
3 that Mr. Kromah is getting the healthcare to which he is  
4 entitled?

5 Counsel?

6 MR. SCHAEFFER: Yes, your Honor. This is Jarrod  
7 Schaeffer for the government.

8 The government was recently made aware of this issue  
9 in conversation with Mr. Chabrowe, and we are not aware of what  
10 medical treatment, if any, he should be receiving, but we can  
11 absolutely reach out to the facility and ask that they address  
12 this issue promptly and that it has been brought to the Court's  
13 attention and that if it is not resolved soon, then there may  
14 be additional action that's taken.

15 THE COURT: Good. Thank you very much.

16 So, counsel --

17 THE INTERPRETER: Hello, your Honor?

18 THE COURT: -- for Mr. Kromah --

19 THE INTERPRETER: Hello?

20 THE COURT: Sorry. Yes, Mr. Interpreter?

21 THE INTERPRETER: Yes, your Honor. Mr. Cherif Amara  
22 want to know, he want you to tell his lawyer, he want his  
23 lawyer's name and his email number, and also he would like to  
24 know the name of the judge.

25 THE COURT: Yes. So just to be clear, my expectation

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1 is that your engaged in simultaneous translation, so that they  
2 are listening to everything that I say. Everything that I say  
3 and that every lawyer says is, I expect, being translated to  
4 them in as close to word for word a manner as you can while we  
5 are discussing issues here, that is, the lawyers are raising  
6 issues and the Court is discussing them with the lawyers. That  
7 is information that the defendants need to have. So my  
8 expectation is, Mr. Interpreter, that you are providing  
9 simultaneous, near word-for-word translation of everything  
10 that's being said here. My expectation is not that you would  
11 be having a side conversation with the defendant about their  
12 issues that do not have anything to do with what we are saying  
13 in the main thread of the conference.

14 Can I just confirm, Mr. Interpreter, that you have  
15 translated for them the things that that we have just  
16 discussed, among others, regarding the exclusion of time and  
17 related to Mr. Kromah's health issues? I just ask because your  
18 comment now was a complete *non sequitur*. Mr. Interpreter, can  
19 you just confirm that, please.

20 (Pause)

21 THE COURT: Thank you. Mr. Interpreter, can I ask you  
22 to just please confirm that you have provided simultaneous  
23 interpretation regarding the issues that I have just been  
24 discussing with counsel, including the discussion of the  
25 exclusion of time and issues related to Mr. Kromah's health



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1 issues, as well as, before that, the discussion by Mr. Cherif's  
2 counsel of the efforts that he expected to undertake in order  
3 to communicate with his client? Mr. Interpreter, can you  
4 please --

5 THE INTERPRETER: Yes.

6 THE COURT: Thank you. So you confirm that you have  
7 provided simultaneous translation of all --

8 THE INTERPRETER: Yes.

9 THE COURT: -- of those conversations?

10 THE INTERPRETER: Absolutely.

11 Also, he want to know -- he want to know your name.  
12 He want you to tell his lawyer to give him his name and his  
13 e-mail number, because he keep complaining that any time he  
14 call the lawyer, the lawyer never respond to his calls.

15 THE COURT: Thank you. Good. So I'm happy to do  
16 that. Let me just finish the line of conversation that I  
17 understand you to be translating for each of the defendants  
18 simultaneously with precise translation.

19 Counsel for the United States, thank you very much for  
20 your willingness to follow up on the health issues regarding  
21 Mr. Kromah.

22 Counsel for Mr. Kromah, please write me if there have  
23 been no favorable developments on this front by a week from  
24 today. So if, on December 18, Mr. Kromah still has not seen a  
25 healthcare professional with respect to the issues that you

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1 have described here, please write me and I will schedule an  
2 appropriate hearing with officials from the BOP to inquire  
3 what's going on if I think that that is warranted. Good.

4 So let me just turn back to the request by the  
5 defendant.

6 First, I am Judge Gregory H. Woods.

7 Second, counsel, can I just ask you to please provide  
8 your e-mail address --

9 (Foreign language spoken)

10 THE COURT: -- to the defendant? Would you please  
11 provide that information? Thank you.

12 MR. OKSENHENDLER: Yes. Of course, your Honor. It  
13 was previously provided to him, but my e-mail address is G, my  
14 last name, Oksenhendleresq@aol.com.

15 THE COURT: Good. Thank you very much.

16 So, Mr. Interpreter, did you pass that all along? I  
17 understand the defendant now has that information.

18 So thank you very much, counsel. I'm sorry for the  
19 technical issues. I expect that before we conduct any other  
20 proceeding in this matter that due thought will be put into how  
21 best to prepare for it so that we can provide seamless,  
22 simultaneous interpretation services, understanding that work  
23 that needs to be done with the Court and the lawyers should be  
24 done with the Court and the lawyers. Work that need not be  
25 done with the Court and the lawyers should not be done with the

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1 Court and the lawyers, because it is a profoundly bad use of  
2 their time.

3 So I hope to the extent that, Mr. Interpreter, we are  
4 using your services at our next conference, that you will do  
5 the work necessary to provide the services before the  
6 conference starts, rather than doing it during and rather than  
7 asking the judge and the lawyers to put in place the basic  
8 infrastructure for you to do your job. That is not acceptable.  
9 So I fully expect that in the future this will not happen, and  
10 I apologize to the parties for the technical failures earlier  
11 in the conference.

12 So, good. Thank you all very much. I apologize again  
13 for the technical issues here, and I look forward to speaking  
14 with you all soon after the holidays.

15 oOo